HILL AND KNOWLTON, INC.

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Kansas City Lawsuit
Special PR No. K4-62
Wednesday, June 20, 1962

Ross vs. Philip Morris, Inc.

John T. Ross completed his testimony Wednesday and was followed on the stand by Dr. John S. Knight, Kansas City ear, nose and throat specialist who diagnosed the plaintiff's cancer in 1952.

Completing his cross examination, defense attorney David Hardy questioned Ross further about his previous arrests involving drinking, his past medical history, his first two marriages, etc. He also questioned Ross about two previous personal injury suits filed by Ross: one in 1932 after he fell from a chair while changing a light bulb in a fixture, the other was in 1952, just before Ross's cancer operation, following a collision between his automobile and a local bus.

Ross said that on February 6, 1952, a week or so before he went to the Mayo clinic for his operation, he was still complaining of head and neck injuries sustained in the automobile accident.

In redirect examination by his attorney, Ross said that in the first two of the three amended complaints filed after his original complaint in this suit, the attorney of record, Robert Murray, had without Ross's knowledge inserted the wrong periods during which Ross claimed he smoked Philip Morris cigarettes.

In further cross examination by Hardy it was brought out that Murray, who now is ill, still is an attorney of record in the suit. Further discrepancies and errors also were admitted by Ross, who many times said, "I was mistaken."

Dr. Knight said he first saw Ross in his office on February 8, 1952, and three days later performed a direct laryngoscopy and biopsy on him at a local hospital. The diagnosis was cancer of the left pyriform fossa (or sinus) with possible involvement of the upper part of the esophagus and edema (swelling of the arytenoid on the outside larynx).

Dr. Knight said that in his opinion Ross's cancer was caused, or contributed to, by the smoking of cigarettes over a period of years. He said he never had seen cancer in this particular area in a nonsmoker.

In cross examination, Dr. Knight said he did not know the cause or causes of cancer and was not an expert in causation of this disease. He said that since 1925 he had seen 45-50 cases of cancer of the pyriform fossa and that he did not consider these organs to be part of the food tract.

He said that from his observations the pyriform fossa do not close completely during inhalation, but he admitted that their major function is to permit food and drink to pass into the mouth of the esophagus.

In redirect examination, Dr. Knight said cancer of the pyriform fossa also could be called extrinsic cancer of the larynx or laryngeal-pharyngeal cancer.

There was considerable discussion by both attorneys over this important classification point. Answering a question from the judge, Dr. Knight said Ross's cancer originated in the pyriform fossa. The judge then sustained defense counsel's objection to questions about the witness's experience with larynx cancer.

The plaintiff is expected to begin reading depositions of other witnesses when court resumes Thursday.

Note: In first sentence of third paragraph of Special PR No. K3-62, June 19, 1962, the date of the operation should have been 1952 instead of 1962.

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